IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.6255 OF 2005.
IN
FIRST APPEAL NO. 2565 OF 2005.

Piyush Chandrakant Parekh. ... Applicant.
Versus.
Smt.Sharda Dagadu Rakshe & ors. ... Respondents.

Shri V.S.Gokhale for the Applicant.

Shri V.B.Tapkir for the Respondents Nos.1 to 4.

CORAM : ABHAY S.OKA, J.

DATED : 20th July, 2006.

P.C.:

1. Heard Shri Gokhale for the Applicant. The Award under section 166 of the Motor Vehicles Act 1988 has been made against the Applicant. Stay cannot be granted unless the Applicant deposits the entire amount due and payable under the Award. The original Claimants will have to be permitted to withdraw the amount subject to certain conditions.

2. Hence the Civil Application is disposed by the following order:

i) There will be interim relief in terms of prayer clause (a), subject to condition that the Applicant shall deposit the entire amount due and payable under the impugned Award with the concerned Tribunal within a period of 12 weeks from today. If the amount is not deposited within the stipulated time, the stay will stand

vacated without further reference to the Court.

ii) If the amount is deposited by the Applicant, the learned Member of the Tribunal will permit the Claimants to withdraw 50% of the amount without furnishing any security, but subject to the original Claimants giving an undertaking to the Tribunal to bring back the amount in the event the Applicant succeeds in the Appeal.

iii) The learned Member of the Tribunal will permit the Claimants to withdraw the balance amount on the Claimants furnishing security to the satisfaction of the Tribunal. Before accepting the security, the Tribunal will hear the Applicant.

iv) No order as to costs.

Judge.